

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

No. 3:12-cv-02265-SI

Plaintiff,

ORDER

v.

CITY OF PORTLAND,

Defendant.

Natalie K. Wight, United States Attorney, UNITED STATES ATTORNEY'S OFFICE, DISTRICT OF OREGON, 1000 SW Third Avenue, Suite 600, Portland, OR 97204; Laura L. Cowall, Deputy Chief; R. Jonas Geissler, Jared D. Hager, Amy Senier, Trial Attorneys, Special Litigation Section; Civil Rights Division, UNITED STATES DEPARTMENT OF JUSTICE, 950 Pennsylvania Avenue, NW, Washington, D.C. 20530. Of Attorneys for Plaintiff.

Robert Taylor, City Attorney; Heidi Brown, Chief Deputy City Attorney; Sarah Ames and Lisa Rogers, Deputy City Attorneys, OFFICE OF THE CITY ATTORNEY, 1221 SW Fourth Avenue, Room 430, Portland, OR 97204. Of Attorneys for Defendant.

Anil S. Karia, PUBLIC SAFETY LABOR GROUP, P.O. Box 12070, Portland, OR 97212. Of Attorneys for Intervenor-Defendant Portland Police Association.

J. Ashlee Albies, ALBIES, STARK & GUERRIERO, 1500 SW First Ave., Suite 1000, Portland, OR 97201; Kristen A. Chambers, PRISM LEGAL LLC, 3519 NE 15th Avenue, Suite 424, Portland, OR 97212. Of Attorneys for Enhanced Amicus Curiae Albina Ministerial Alliance Coalition for Justice and Police Reform.

Juan Chavez, Project Director and Attorney; Franz Bruggemeier and Amanda Lamb, Attorneys, OREGON JUSTICE RESOURCE CENTER, P.O. Box 5248, Portland, OR 97204. Of Attorneys for Amicus Curiae Mental Health Alliance.

Michael H. Simon, District Judge.

On April 15, 2024, Plaintiff United States of America and Defendant City of Portland filed a Joint Motion to Appoint Independent Monitor Conditional on City Council Approval. ECF 412. The United States and the City selected MPS & Associates led by Mark P. Smith to

serve as Independent Monitor (Monitor) pursuant to Section XII of the Amended Settlement Agreement (Agreement) (ECF 408-1). On May 3, 2024, counsel for the City informed the Court of the City Council's approval of MPS & Associates to serve as Monitor. ECF 413.

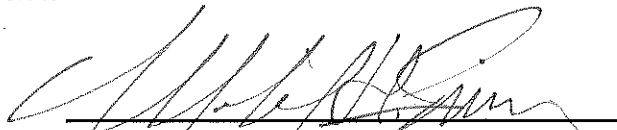
On May 15, 2024, this Court conducted a hearing in which, *inter alia*, it considered the Joint Motion, written and oral submissions from the United States, the City, Intervenor-Defendant Portland Police Association (PPA), Enhanced Amicus Curiae Albina Ministerial Alliance Coalition for Justice and Police Reform (AMAC) (ECF 419) and Amicus Mental Health Alliance (MHA) (ECF 420), the Portland Committee on Community-Engaged Policing (PCCEP), and members of the public, before and during the hearing. Moreover, the Court received a public presentation from the selected candidate for Monitor, Mark P. Smith, and members of the MPS & Associates team.

This Court ORDERS that MPS & Associates led by Mark P. Smith is APPOINTED as the Monitor required by the Agreement (ECF 408-1) and that this appointment shall be effective beginning July 1, 2024. MPS & Associates shall serve as Monitor in accordance with the terms set forth in the Agreement. *Id.* Paras. 201-275. MPS & Associates is appointed for a term of two years, which may be extended for additional two-year terms if the Parties jointly request, and the Court approves. *Id.* Para. 209.

This Court ORDERS that the City negotiate in good faith the details of the professional services agreement with MPS & Associates, including a discussion of cost and a cap on costs. The City shall keep the United States advised of the progress and substance of the negotiations between the City and MPS & Associates. When negotiations conclude, this Court ORDERS the Parties to file the Monitor's budget with the Court. *Id.* Para. 211.

IT IS SO ORDERED.

DATED this 15th day of May, 2024.


MICHAEL H. SIMON
UNITED STATES DISTRICT JUDGE